

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI**

Petition for Warrant or Summons for Offender Under Supervision

Name of Offender: Jonathan Cowden

Case Number: 4:13CR00007-1 AGF

Name of Sentencing Judicial Officer: The Honorable Audrey G. Fleissig
United States District Judge

Date of Original Sentence: March 27, 2014

Original Offense: Computer Fraud

Original Sentence: 15 months custody of the Bureau of Prisons, followed by a 36 month term of supervised release.

Type of Supervision:

Date Supervision Commenced: October 9, 2014

Expiration Date: October 8, 2017

Assistant U.S. Attorney: John M. Bodenhausen

Defense Attorney: William S. Margulis

PETITIONING THE COURT

☒ To issue a warrant

It should be noted since the commencement of supervision Mr. Cowden has been supervised by the U.S. Probation Office in the Southern District of California. United States Probation Officer Carlos Hernandez believes that Mr. Cowden has violated the following condition of supervision:

Violation Number

General Condition: The defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon

Nature of Noncompliance

On October 21, 2014, the Judgement and Commitment Order (J&C) was reviewed with Mr. Cowden. Mr. Cowden signed a copy of the J&C acknowledging the conditions of supervision were read and explained to him and that he fully understood the conditions. Mr. Cowden also signed a firearms notice which defined a "dangerous weapon" for the purposes of the above general condition as follows: a dangerous weapon is defined as any weapon, device, instrument, material or substance, animate or inanimate, that is used for, or is readily capable of, causing death or serious bodily injury, except that such definition does not include a pocket knife with the blade of less than 2 ½ inches (6.35 centimeters in length).

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On March 11, 2015, United States Probation Officer Carlos Hernandez (USPO Hernandez) made contact with Mr. Cowden at his residence for the purpose of evaluating his mental health status following a domestic violence incident with an ex-girlfriend. During the contact, USPO Hernandez's field partner observed a folded knife on a dresser in plain view. The knife was confiscated and Mr. Cowden was reminded that he was prohibited from possessing knives like the one in question. Mr. Cowden advised USPO Hernandez he was unaware of the condition.

On June 15, 2015, USPO Hernandez made contact with Mr. Cowden at his residence. A plain view inspection of the residence was conducted which produced a folded knife on a nightstand. The knife was confiscated and Mr. Cowden was reminded he was prohibited from possessing knives like the one in question. Mr. Cowden advised USPO Hernandez that he believed the blade was not long enough to qualify as prohibited.

Violation Number

Special Condition No. 12: The defendant shall not possess or use any computer, peripheral equipment, gaming equipment, cellular devices, or any other device with access to any on line computer services, and/or subscribe to or use any Internet service, at any location (including employment) without the written approval of the probation office. If approval is given, the defendant shall consent to the probation office or probation service representative conducting unannounced examinations, including retrieval and copying of all data, of any computer(s) or computer related equipment to which the defendant has access, including web enabled cell phones and gaming systems to insure compliance with this condition and/or removal of such equipment for the purpose of conducting a more thorough inspection.

Nature of Noncompliance

As stated above, on June 15, 2015, USPO Hernandez made contact with Mr. Cowden at his residence. Upon arrival, USPO Hernandez observed an overnight care package from DHL Express outside of the front door of the residence. Mr. Cowden's name, current address, and the contents "CELLPHONE 1PCS" were listed on the package in plain view. When questioned, Mr. Cowden advised the package was not for him but instead for his roommate. Upon further questioning, Mr. Cowden admitted he had purchased a smartphone from China. USPO Hernandez asked Mr. Cowden to open the package in front of him. Mr. Cowden agreed and opened the package revealing a smartphone. Mr. Cowden then advised he planned to inform USPO Hernandez of the purchase upon receipt of the phone.

Also, during the contact on June 15, 2015, USPO Hernandez observed an iPad in a case on the ground next to Mr. Cowden's mattress. USPO Hernandez picked up the case and asked Mr. Cowden if the iPad belonged to him. Mr. Cowden admitted the iPad was his and further stated he had owned it for a long time but was unsure of where it had been as he had been transporting his belongings to and from his storage facility. Mr. Cowden denied using the iPad and further advised he did not have the password for it. The iPad and an accompanying keyboard were confiscated.

Violation Number

Special Condition No. 14: The defendant shall advise the probation office of all computer, electronic equipment, and web enabled equipment, including cell phones, to which he possesses or has access within 24 hours of obtaining same.

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Nature of Noncompliance

As stated above, Mr. Cowden was found in possession of an iPad which had not been disclosed to USPO Hernandez.

It should also be noted that Mr. Cowden's ex-girlfriend filed a temporary restraining order (TRO) against him. Court documents filed in support of the TRO alleged Mr. Cowden threatened to kill himself or his ex-girlfriend's dog if she ended their relationship. The documents alleged Mr. Cowden threatened to burn down their house. The documents also alleged that once the relationship was ended Mr. Cowden sent a series of text messages wherein he noted he was going to kill himself online and stream the suicide for everyone to see.

Previous Violations

On December 23, 2014, the Court was notified that Mr. Cowden was associating with various hacking groups via the internet and dissemination information about his involvement in the instant offense as well as sensitive FBI investigative information. The Court modified Mr. Cowden's conditions to include increased drug testing, a prohibition on participating in activity that promotes unauthorized access of computer systems, and a prohibition on associating with groups that promote or participate in disruptive online activity. As the Court previously took action on these violations, they have not been incorporated in the current petition for warrant.

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U.S. Probation Officer Recommendation: Based upon the above and at the request of the Southern District of California Probation Office, the United States Probation Office respectfully requests a warrant for Mr. Cowden's arrest be issued and his term of supervised release be revoked.

I declare under penalty of perjury that the foregoing
is true and correct.

Executed on July 7, 2015

Approved,

by



Kenneth R. Fitzgerald
Supervising U.S. Probation Officer
Date: July 13, 2015

Respectfully submitted,

by



Michael J. Schmidt
U.S. Probation Officer
Date: July 7, 2015

THE COURT ORDERS:

- ☐ No Action
☒ The Issuance of a Warrant
☐ The Issuance of a Summons
 Appearance Date:
 Appearance Time:
 Courtroom Number:
☐ Other


Signature of Judicial Officer

July 13, 2015
Date